

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILLIP A. THOMPSON,
Plaintiff,

v.

TAMMY FERGUSON, *et al.*,
Defendants.

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CIVIL ACTION NO. 19-CV-3455

ORDER

AND NOW, this 5th day of **August 2019**, upon consideration of Plaintiff Phillip A. Thompson's Motion to Proceed *In Forma Pauperis*, his Prisoner Trust Fund Account Statement, and his *pro se* Complaint, which raises claims under 42 U.S.C. § 1983, it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* (Document No. 1) is **GRANTED** pursuant to 28 U.S.C. § 1915.

2. Phillip A. Thompson, #EW-0594, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Thompson's inmate account; or (b) the average monthly balance in Thompson's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Thompson's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income

credited to Thompson's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden of SCI Phoenix.

4. The Complaint is **DEEMED** filed.

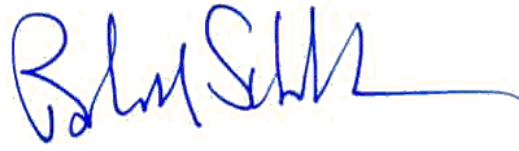
5. The Complaint is **DISMISSED without prejudice** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

6. Thompson is given thirty (30) days to file an amended complaint. Any amended complaint must be a complete document and not incorporate the original complaint by reference. Thompson must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Thompson's claims against each defendant. Thompson should provide enough information for the Court to understand what happened to him and how each named Defendant personally acted to cause injury to himself. When drafting his amended complaint, Thompson should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum and not include generalized allegations or allegations about what may have happened to others. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. The Clerk of Court shall send Thompson a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Thompson may use this form to file his amended complaint if he chooses to do so.

8. If Thompson fails to file an amended complaint in accordance with paragraph six (6) of this Order, his case may be dismissed without prejudice for failure to prosecute without further notice.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Berle M. Schiller", followed by a long horizontal flourish.

BERLE M. SCHILLER, J.